

Response to Office Action dated November 16, 2007

Applicant: ESPE

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### REMARKS

In an Office Action mailed November 16, 2007, the Office rejected claims 1, 2, 4, 6-8, and 11-24 under 35 U.S.C. §103(a) as being unpatentable over Espe (U.S. Pat. Application Pub. No. 2001/0029139) in view of Kositzke (U.S. Patent 4,909,284) and further in view of Hennecken (U.S. Patent 6,040,253). An in-person interview was held with Examiner Andrew Piziali on Wednesday February 13, 2007 with Applicant's representative, Attorney Tim Newholm (Reg. No. 34,400). Applicant appreciates the Examiner's efforts with respect to reviewing the above-captioned matter in preparation for an interview that was scheduled on relatively short notice. At the end of the interview, the Examiner agreed that the claims as now amended would appear to be allowable over the prior art of record.

Although the Examiner is of course invited to review the claims as presented herein with respect to any references that may qualify as prior art, Applicant believes that the Examiner has already agreed that the claims as presented herein are patentably distinct over the art of record. Each of the independent claims defines a pad construction wherein at least one of the warp or weft is formed by repeating a series of at least two types of thread. Each type of thread is further defined as having a core and sheath construction with all types of thread being of the same diameter but of different elasticities. The claims further define that the cores of two types of threads are formed of different materials, namely a metal and a polymer, respectively, even while maintaining the similar diameters of the threads.

With respect to the amendments to the claims, support for the amendments can be found throughout the specification but most specifically in the paragraph traversing pages 4 and 5 of the originally filed application. Accordingly, no new matter has been added. Further, the amendment of claim 1 resulted in some degree of redundancy with respect to the subject matter of claim 6. Claim 6 is hereby cancelled. The remaining claims have been amended to comport to with the amendments to the claims from which they depend, respectively.

Applicant does not disagree that Espe and Hennecken disclose various individual thread constructions. The Espe reference is the above-named inventor's prior work, and both Espe and Hennecken are attributed to a common assignee, Rheinische Filztuchfabrik GmbH.

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Assumably, Masseurs Espe and Hennecken would be considered persons of ordinary skill in the art. Simply, these references disclose various thread constructions and the association of these threads in forming a pad. Although the references suggest the weaving of various threads to form a pad, the references, alone or in combination, do not disclose, teach, or suggest a pad having a warp or weft formed of alternating threads of the same diameter, dissimilar elasticities, a core and sheath construction, and wherein the cores are formed of different materials as defined in the present claims. The addition of Kositzke adds nothing to this shortcoming of these references.

As discussed during the interview, Kositzke discloses a double layered papermaker's fabric conveyor. The unrelated nature of the technologies associated with press pad and papermaker's fabric conveyors cannot be ignored. During the interview, the Examiner acknowledged that one of ordinary skill in the art would not have been motivated to look to papermaker's fabric conveyors to resolve problems associated with press pad performance or construction as the problems and operations of the respective materials are so markedly different. Simply because both processes are related to woven materials does not render them related. It is Applicant's understanding that the Examiner appreciates as much.

Even further, Hennecken, alone or in combination with any of the other art of record, does not disclose, teach, or suggest a press pad having the present construction. That is, whereas Hennecken discloses a fiber having a metallic core and an outer layer (Fig. 3; C. 4, ll. 1-14), there is no disclosure or suggestion in Hennecken for the formation of a press pad having a number of thread types wherein the types of threads have generally similar diameters and dissimilar elasticities as called for in the present claims.

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Again, Applicant appreciates the Examiner's efforts with respect to interviewing this matter. In accordance with the topics discussed, Applicant believes that which is called for in the present claims is patentably distinct over the art of record. Therefore, Applicant respectfully requests a notice of allowance of claims 1, 2, 4, 7-8 and 11-24. Furthermore, although no fees are believed due with this submission, the Office is hereby authorized to charge any applicable fees, or credit any overpayments, to deposit account number 50-1170. The Examiner is cordially invited to contact the undersigned or Attorney Kirk Deheck (Reg. No. 55,782) should any informal matters remain which would hinder the passage of the above-captioned matter to issuance.

Respectfully submitted,



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